

~~means for preventing a hand-off between the wireless device and at least one base station when the at least one base station is associated with an unacceptable pilot signal or will result in a return to an overload traffic condition.~~

REMARKS

Claim Rejections – 35 U.S.C. §103

Claims 1-49 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lyer et al., U.S. Patent No. 6,295,450 (“Lyer”) in view of Celedon et al., U.S. Patent Publication No. 2003/0190916 (“Celedon”), and further in view of Hellander, U.S. Patent No. 6,445,918 (“Hellander”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present invention include the measurement, or use, of real-time traffic flow criteria to, among other things, set the number of base stations that may be considered hand-off base stations.

None of the references cited by the Examiner disclose or suggest the measurement or use of real-time traffic flow criteria. For example, Lyer discloses the measurement of signal quality which is unrelated to traffic flow while Celedon discloses the use of non-real time information (See paragraph [0022], “Generally, measurements are stored and available in an MSC to use in determining the necessity for removing or adding a particular cell in a neighbor list.”). Further, with respect to Celedon, as explained in the specification of the present invention, base stations are not removed from a neighbor list (see paragraphs [18] and [48]). Rather, the list remains intact but only some of the base stations on the list are available/considered as hand-off base

stations. Said another way, the word "setting" as used in the claims does not encompass the complete removal of base stations from a neighbor list as set forth in Celedon.

Finally, in the last reference cited by the Examiner, Hellander, "previously performed mobile-assisted handoff (MAHO) measurements", not real-time traffic flow criteria, are used to reconnect dropped calls.

CONCLUSION

Accordingly, because none of the references cited by the Examiner disclose or suggest the measurement of real-time traffic flow criteria, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-49.

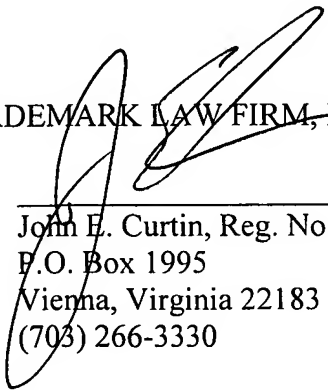
In the event this Response does not place the present application in condition for allowance, Applicants request that the Examiner contact the undersigned at (703) 266-3330 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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